

11/05/01

J1060 U.S. PTO

11-26-01

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Approved for use through 10/31/2002 OMB 0651-0032
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | |
|------------------------|--|
| Attorney Docket No. | ESPN-INEX CON (2) |
| First Inventor | Michael J. Hope |
| Title | LIPOSOME COMPOSITIONS AND METHODS FOR THE TREATMENT OF ATHEROSCLEROSIS |
| Express Mail Label No. | EL 717 749 242 US |

J1003 U.S. PTO
09/992107
11/05/01

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets]
- Oath or Declaration [Total Pages]
 - ☐ Newly executed (original or copy)
 - ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 17 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
 - ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☒ Other: Check for \$388.00

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

| | | | |
|--|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> Continuation | <input type="checkbox"/> Divisional | <input type="checkbox"/> Continuation-in-part (CIP) | of prior application No <u>09 / 322,336</u> |
| Prior application information | | Examiner <u>Kishore, G.</u> | Group / Art Unit <u>1615</u> |

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label ☐ Correspondence address below

| | | | | | |
|---------|---|-----------|--------------|----------|--------------|
| Name | Patrea L. Pabst Holland & Knight LLP | | | | |
| Address | 2000 One Atlantic Center | | | | |
| | 1201 West Peachtree Street | | | | |
| City | Atlanta | State | GA | Zip Code | 30309-3400 |
| Country | United States | Telephone | 404-817-8473 | Fax | 404-817-8588 |

| | | | |
|-------------------|-----------------|-----------------------------------|---------|
| Name (Print/Type) | Patrea L. Pabst | Registration No. (Attorney/Agent) | 31,284 |
| Signature | | Date | 11/5/00 |

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 388.00)

Complete if Known

| | |
|----------------------|----------------------------|
| Application Number | Continuation of 09/322,336 |
| Filing Date | November 5, 2001 |
| First Named Inventor | Michael J. Hope |
| Examiner Name | |
| Group Art Unit | |
| Attorney Docket No. | ESPN-INEX CON (2) |

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number 50-1868

Deposit Account Name Holland & Knight LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 101 710 | 201 355 | Utility filing fee | 370.00 |
| 106 320 | 206 160 | Design filing fee | |
| 107 490 | 207 245 | Plant filing fee | |
| 108 710 | 208 355 | Reissue filing fee | |
| 114 150 | 214 75 | Provisional filing fee | |

SUBTOTAL (1) (\$ 370.00)

2. EXTRA CLAIM FEES

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
| 22 | -20 | | 2 | 9.00 | 18.00 |
| 3 | -3 | | 0 | | |
| | | | | | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|--|
| 103 18 | 203 9 | Claims in excess of 20 |
| 102 80 | 202 40 | Independent claims in excess of 3 |
| 104 270 | 204 135 | Multiple dependent claim, if not paid |
| 109 80 | 209 40 | ** Reissue independent claims over original patent |
| 110 18 | 210 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 18.00)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 105 130 | 205 65 | Surcharge - late filing fee or oath | |
| 127 50 | 227 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 130 | 139 130 | Non-English specification | |
| 147 2,520 | 147 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 920* | 112 920* | Requesting publication of SIR prior to Examiner action | |
| 113 1,840* | 113 1,840* | Requesting publication of SIR after Examiner action | |
| 115 110 | 215 55 | Extension for reply within first month | |
| 116 390 | 216 195 | Extension for reply within second month | |
| 117 890 | 217 445 | Extension for reply within third month | |
| 118 1,390 | 218 695 | Extension for reply within fourth month | |
| 128 1,890 | 228 945 | Extension for reply within fifth month | |
| 119 310 | 219 155 | Notice of Appeal | |
| 120 310 | 220 155 | Filing a brief in support of an appeal | |
| 121 270 | 221 135 | Request for oral hearing | |
| 138 1,510 | 138 1,510 | Petition to institute a public use proceeding | |
| 140 110 | 240 55 | Petition to revive - unavoidable | |
| 141 1,240 | 241 620 | Petition to revive - unintentional | |
| 142 1,240 | 242 620 | Utility issue fee (or reissue) | |
| 143 440 | 243 220 | Design issue fee | |
| 144 600 | 244 300 | Plant issue fee | |
| 122 130 | 122 130 | Petitions to the Commissioner | |
| 123 50 | 123 50 | Petitions related to provisional applications | |
| 126 240 | 126 240 | Submission of Information Disclosure Stmt | |
| 581 40 | 581 40 | Recording each patent assignment per property (times number of properties) | |
| 146 710 | 246 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 710 | 249 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 279 355 | Request for Continued Examination (RCE) | |
| 169 900 | 169 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

| | | | | | | |
|-------------------|-----------------|----------------------------------|---------|--------------------------|-----------|----------------|
| Name (Print/Type) | Patrea L. Rabst | Registration No (Attorney/Agent) | 31,284 | Complete (if applicable) | Telephone | (404) 817-8473 |
| Signature | | Date | 11/5/00 | | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael J. Hope and Wendi Rodriguez

Serial No.: Continuation of 09/322,336

Express Mail Label
No. EL 717 749 242 US

Filed: May 28, 1999

Date of Deposit: November 5, 2001

For: LIPOSOME COMPOSITIONS AND METHODS FOR THE TREATMENT OF
ATHEROSCLEROSIS

Box Patent Application
Commissioner of Patents and Trademarks
Washington, D.C. 20231

**REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the attached new patent application entitled "*Liposome Compositions and Methods for the Treatment of Atherosclerosis*". This application is a continuation of pending prior application Serial No. 09/322,336, filed May 28, 1999, entitled "*Liposome Compositions and Methods for the Treatment of Atherosclerosis*", by Michael J. Hope and Wendi Rodriguez, now U.S. Patent No. 6,312,719, which issues November 6, 2001, which is a continuation of U.S. Serial No. 09/175,553 filed October 20, 1998, now U.S. Patent No. 6,139,871, which is a continuation of U.S. Serial No. 08/507,170 filed July 26, 1995, now abandoned, which is a continuation of U.S. Serial No. 08/206,415 filed March 4, 1994, now abandoned. The application includes 1 page of abstract, 38 pages of specification, 3 pages of

Continuation of U.S.S.N. 09/322,336
Filed: May 28, 1999
REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)
Express Mail Label No.: EL 717 749 242 US
Date of Deposit: November 5, 2001

claims, 12 sheets of formal drawings, and a copy of the executed Declaration and Power of Attorney from prior application Serial No. 08/206,415.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration and Power of Attorney included in the new application is a copy of the executed Declaration filed in prior application Serial No. 08/206,415, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 09/322,336.

Enclosed from prior application Serial No. 08/206,415 is a copy of the recorded Assignment from Michael J. Hope and Wendi Rodriguez to The University of British Columbia, recorded May 9, 1994, at Reel 6983, Frame 0399. Also enclosed from prior application Serial No. 09/322,336 are copies of the (a) executed Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers by The University of British Columbia; and (b) executed Statement Under 37 C.F.R. § 3.73(b) by The University of British Columbia.

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Enclosed is a check in the amount of \$388.00 to cover the filing fee for a small entity. It is believed that this is the proper filing fee since the application includes 3 independent claims and a total of 22 claims.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

Continuation of U.S.S.N. 09/322,336
Filed: May 28, 1999
**REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 749 242 US
Date of Deposit: November 5, 2001

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868. To facilitate this process, applicants enclose a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.

All correspondence concerning this application should be mailed to:

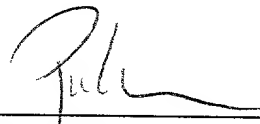
Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, GA 30309-3400

This application is being filed on November 5, 2001, by mailing the application to Box Patent Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231 via the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R.

Continuation of U.S.S.N. 09/322,336
Filed: May 28, 1999
REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)
Express Mail Label No : EL 717 749 242 US
Date of Deposit: November 5, 2001

§ 1.10. The Express Mail Label number appears in the heading of this paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284


Date: November 5, 2001

HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
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Continuation of U.S.S.N. 09/322,336
Filed: May 28, 1999
**REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 749 242 US
Date of Deposit: November 5, 2001

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, November 5, 2001, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 749 242 US, addressed to Box Patent Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231.



Pamela Turnbough

Date: November 5, 2001

ATL1 #491360 v1